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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,092	02/26/2002	Timothy J. Clemens	56471US010	8110

32692 7590 08/30/2004

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EXAMINER

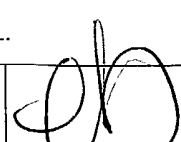
KEEHAN, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/083,092	CLEMENS ET AL.	
	Examiner	Art Unit	
	Christopher M. Keehan	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-30 is/are pending in the application.
- 4a) Of the above claim(s) 19-23 and 25-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-18,24,29,30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

It is again requested that applicant update the specification as to the status of the now abandoned parent application.

Election/Restrictions

Applicant's election with traverse of Group I, claims 1-18, 24, 29, and 30 in the reply filed on 8/5/04 is acknowledged. The traversal is on the ground(s) that Groups I and II are so interrelated that a search of one group of claims will reveal art to the other, and that the classification of Groups I and II in different subclasses is not sufficient grounds to require restriction. In addition, applicant has argued that Groups III-V claims are so interrelated that a search of one group of claims will reveal art to the other, and that the classification of Groups III-V in different subclasses is not sufficient grounds to require restriction. This is not found persuasive because Group I requires a particular adhesive and Group II requires fiber reinforcement. Further, there is nothing on the record to indicate that these groups are obvious variants. Groups I and II do not require the process limitations of Groups III-V. Regardless of if the search would require duplication effort, it would require additional examination time which is not afforded to the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The rejection of claims 1, 5, 8-10, 13-15, 18, 24, and 30 under 35 U.S.C. 102(b) as being anticipated by Hoyle et al. (WO 99/64235) has been maintained and is as set forth in the previous office action.

The rejection of claims 1, 6-9, 11, 24, and 29 under 35 U.S.C. 102(b) as being anticipated by Parsonage et al. (WO 99/32557) has been withdrawn due to applicant's arguments.

The rejection of claims 1-3, 16, 17, and 24 under 35 U.S.C. 102(b) as being anticipated by Hanson (4,670,089) has been withdrawn due to applicant's amendments.

Claim Rejections - 35 USC § 103

The rejection of claim 12 under 35 U.S.C. 103(a) as being unpatentable over Parsonage et al. (WO 99/32557) in view of Neumann et al. (5,889,125) has been withdrawn due to applicant's amendments.

The rejection of claims 2, 6, and 11 under 35 U.S.C. are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsonage et al. (WO 99/32557) in view of Vandenburg (3,158,581) has withdrawn due to applicant's arguments.

Response to Arguments

Applicant's arguments filed 8/5/04 have been fully considered but they are not persuasive. To begin, applicant has argued that Hoyle et al. do not disclose the invention as set forth in amended claim 1. Hoyle et al. disclose a protective article comprising a backing comprising a fluorinated polymer that is not perfluorinated, more specifically the instantly claimed polymers and a curable adhesive layer on at least one surface thereof. Applicant has amended the claim to include the limitation that the surface on which the adhesive layer is placed is unetched. Hoyle et al. disclose that at least one of the surfaces of the backing is typically treated, by methods of corona treatment and chemical etching (page 7, lines 18-26). Hoyle et al. do not disclose that the adhesive layer must be placed on an etched surface. Further, in Examples 8, 10, and 14-22, Hoyle et al. disclose in a working example that the adhesive layer does not have to be placed on an etched surface, but rather that the etched surface is on the opposite side of the backing layer.

New Claim Rejections - 35 USC § 102

Claims 1, 5-7, 10, 11, 13, 24, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Rinde et al. (5,470,622). Rinde et al. disclose an article comprising a backing comprising a fluorinated polymer that is not perfluorinated (col.7, lines 21-35), and a thermoset adhesive as claimed (col.3, line 46-col.5, line 36) on at least one unetched surface of the backing layer (col.3, lines 35-45).

Art Unit: 1712

Regarding claim 5, Rinde et al. disclose a curable composition at room temperature (col.5, lines 44-57).

Regarding claim 6, Rinde et al. disclose epoxycyclohexane carboxylate and glycidyl ether monomers as claimed (col.4, lines 55-62).

Regarding claim 7, Rinde et al. disclose curing agents selected from the group as instantly claimed (col.5, line 57-col.6, line 20).

Regarding claim 10, Rinde et al. disclose a backing as claimed (col.3, lines 35-45).

Regarding claim 11, Rinde et al. disclose what appears to be a modified diglycidyl ether of bisphenol A (col.5, lines 25-28).

Regarding claims 13 and 24, Rinde et al. disclose the article bonded to a substrate and the bonding thereof (col.8, lines 30-53).

Regarding claim 29, Rinde et al. disclose adding an anti-corrosion additive (col.9, lines 15-46). As applicant has not defined an anti-corrosion additive, it is the examiner's position that any of the cited fillers can act in this manner.

Regarding claim 30, Rinde et al. disclose a patterned backing layer (Figure 1). It is the examiner's position that the backing layer of Rinde et al., which discloses a flat surface, is a patterned surface, as a flat surface can be a pattern.

New Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1712

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rinde et al. (5,470,622) in view of Neumann et al. (5,889,125). Rinde et al., as applied above, are as set forth and incorporated herein. Rinde et al. do not appear to specifically disclose a curing agent as claimed. Rinde et al. do disclose diamine curing agents (col.5, lines 51-66). Neumann et al. disclose a composition for applying to many types of substrates (col.6, line 50-col.7, line 8) comprising a modified bisphenol A epoxy resin (col.6, lines 28-34) and a curing agent of polymer diamines, more specifically 4,7,10-trioxatridecane-1,13-diamine (col.4, lines 10-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a polymer diamine as taught by Neumann et al. in the resin composition of Rinde et al. because Neumann et al. teach that using a polymer diamine curing agent with an epoxy resin produces a composition that is reactive at lower temperatures and high atmospheric humidity, resulting in a higher quality and more versatile product.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinde et al. (5,470,622). Regarding claims 16 and 17, Rinde et al. do not appear to specifically disclose applying the article of Rinde et al. to the instantly claimed substrates. However, it is not clear how what the article as claimed is bonded to materially affects the overall claimed article. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the

Art Unit: 1712

article to a variety of substrates, because many different types of substrates can benefit from being covered, including those as taught by applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (571) 272-1087. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Keehan

August 24, 2004

Christopher Keehan
Art Unit 1712
Ceehan